P.R. No. 484/06
Presented by Shri Anil Mauryan
dated 16.2.06

IN THE HON'BLE HIGH COURT OF JUDICATURE AT BILASPUR

Single Bench

M.C.C. No. 105 /2006

(Arising out of S.A.No. 270/2003 dismissed on 21.3.05 by Hon'ble Justice Shri Dhirendra Mishra)

APPELLANTS : Dadu Ram and Others

DEFENDENTS

VERSUS

RESPONDENTS : Bhuri Bai and Others

PLAINTIF

APPLICATION FOR RESTORATION OF SECOND APPEAL

The appellants begs to submit

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(21)

आदेश पत्रक

मामला क्रमांक MCC 105/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	17.04.2006: Shri Ramakant Pandey learned counsel for the applicants. Shri M.P.S. Bhatia learned PL for respondent/State. Heard on M.C.P. No. 379/2006 an application for condonation of delay in filing the application for restoration of Second Appeal No. 270/2003. Second Appeal No. 270/2003 was dismissed by this Court on 21.3.2005 for non prosecution. Application for restoration of the second appeal has been preferred with the delay of 301 days as per the office note. Learned counsel for the applicants submits that on the date of hearing when the case was called he could not appear as he was out of station. He further submits that he came to know about the dismissal of the second appeal only when he inquired from the registry on being asked by the appellants, and therefore, the delay being bona fide should be condoned. The application for condonation of delay is supported by the affidavit of the counsel for the appellant. For the reasons stated in the application, it is allowed and the delay in filing the application for restoration of the second appeal is condoned. Also heard on application for restoration of the appeal. It is submitted that when the appeal was called on 21.3.2005, he could not appear as he was out of station and therefore, his absence being bona fide the application for restoration of the appeal may be	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक MCC 105/06 सन् 200 (22)

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	allowed. The application for restoration is also supported by affidavit of the counsel for the appellants. For the reasons assigned in the application for restoration of the appeal, it is allowed and the second appeal No. 270/2003 is restored to its original number provided that appellants deposit a sum of Rs. 500/- with the High Court Legal Aid Committee within 15 days. MCC 105 stands disposed of **Sd/-** **Dhirendra Mishra** **Judge**	